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VIA ECF & HAND DELIVERY

Honorable Kiyo A. Matsumoto
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: United States v. Kissone Frederick
09 CR 258 (KAM)**

Dear Judge Matsumoto:

Late this afternoon, I received, by telefax from Ms. London, a subpoena duces tecum and the copy of the Court's order regarding service of the subpoena.

Within an hour after the income telefax, I contacted my home office and received copies of my final CJA 20 voucher in this case, supporting worksheets and CJA 26 voucher submitted for a claim exceeding the CJA maximum compensation.

On page 2 of the CJA 26 voucher, at item 7, I explain that the case was complicated by the fact that Frederick "stubbornly insisted on proceeding to trial, despite overwhelming evidence of his guilt." This reflects my frustration at having to devote time and effort, all to no avail, in persuading Frederick that the evidence of guilt was overwhelming and that a conviction of two firearms charges would result in a mandatory total consecutive term of 32 years (given the allegation that he pistol-whipped an employee of the card store) in addition to the sentences to be imposed for the underlying attempted robbery and robbery charges.

I am not including the enclosed CJA vouchers or worksheets with this letter in the ECF filing. Copies to AUSA Carter Burwell and Joyce London include the enclosed CJA submissions, as per the

subpoena served pursuant to the Court's Order. I expect that Ms. London will share the information in my worksheets and CJA 26 voucher with Mr. Frederick. Indeed, I welcome that.

However, I ask the Court to issue a protective order directing Ms. London not to supply the defendant with his own copies of my CJA worksheets. It is plain that he is playing the system by filing false claims against me in a perjurious affidavit. Although I frankly do not take this personally, I also do not appreciate this type of maliciously false campaign. There is no reason for Mr. Frederick to possess my CJA worksheets, which were submitted with the expectation that they would not be made public, particularly in a venue where the rumor mill as to the wisdom of the Shakespearean goal, "First, let's kill all the lawyers" gains far greater acceptance than the truth.

For those reasons, I respectfully ask the Court to issue a protective order:

1. Directing Ms. London not to provide copies of my non-publicly filed CJA worksheets to Mr. Frederick or anyone else, except for necessary support staff in her office.
2. Directing Ms. London not to show the CJA worksheets to anyone except for Mr. Frederick and her office support staff if required;
3. Directing Ms. London to return all of her copies of my CJA worksheets to the Court following the conclusion of the habeas proceedings;
4. Ordering that the CJA worksheets be placed under seal for inclusion in the trial record on appeal in that form; until further order of the Court.

I thank Your Honor for Your courtesy.

Respectfully submitted,

Ephraim Savitt

cc: AUSA's Carter Burwell (w/enclosure) (By Email)
Joyce London, Esq. (w/enclosure) (By Fax)